

RESPONSE

Trustee does not dispute that Debtors' plan needs to be modified to address the current plan payment delinquency of \$2,382.74 and to address completion issues; however, Debtors have added impermissible deductions for voluntary retirement contributions, increased almost every one of their monthly expenses, and also added a new \$700.00 per month expense for use of a vehicle and \$290.00 per month for life insurance.

Debtors' original Schedule I reflects no monthly voluntary retirement contributions for either Debtor. ECF No. 1 at 30. The supplemental Schedule I now includes a monthly voluntary contribution for Mr. Hap in the amount of \$379.08 per month and a monthly voluntary contribution for Ms. Mel in the amount of \$186.70 per month. ECF No. 28 at 2. To the extent Debtors were not claiming payroll deductions for retirement contributions at filing, they should not be permitted a monthly total contribution of \$565.78 now.

Debtors' food budget has increased from \$800.00 per month to \$1,200.00 per month without explanation. *Id.* at 4. Transportation has increased by \$100.00 per month, but the Debtors are still working at the same jobs. *Id.* Vehicle insurance has increased from \$230.00 per month to \$590.00 per month without explanation. *Id.* Without additional information these increases should be disallowed.

In addition to the above increases, Debtors have now added a new \$700.00 per month expense for use of a vehicle and \$290.00 per month for life insurance, without explanation. Debtors had a 2006 BMW 750 and 2001 Lexus 300 at the time of filing. ECF No. 1 at 11. Trustee has received no vehicle purchase requests and the BMW is still being paid for through Debtors' plan. No evidence has been provided to support the need for a \$700.00 payment to borrow someone else's vehicle. At that amount Debtors would be better off saving cash to purchase a vehicle outright if they need to replace one of their vehicles.

1 The new monthly expense for life insurance should be supported by evidence. Trustee requests
2 that a copy of the declarations page and evidence of the monthly payment be provided to the Trustee.

3 **WHEREFORE**, Trustee requests that the Motion be denied.

4 **DATED** this 2nd day of April, 2019.

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6 /s/ Mathew S. LaCroix
7 Mathew S. LaCroix, WSBA# 41847 for
8 Michael G. Malaier, Chapter 13 Trustee
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